

CAN 1652

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Short, et al.  
Serial No. : 09/866,379  
Filed : May 24, 2001  
Title : RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Art Unit : 1652  
Examiner : Unknown

RECEIVED

JUN 14 2002

TECH CENTER 1600-2900

U.S. Patent and Trademark Office  
Arlington, VA 22202

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) DIVERSA CORPORATION, a Delaware corporation, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above by virtue of:

☒ A chain of title from the inventors of the patent application identified above, to the current assignee as shown below. A copy of the Assignment from Jay M. Short, Keith A. Kretz, Kevin A. Gray, Nelson Robert Barton, James B. Garrett, Eileen O'Donoghue and Eric J. Mathur to Diversa Corporation as filed with the U.S. Patent Office on December 17, 2001 is attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the application and appoints the practitioners at Customer Number 20985, with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

June 3, 2002

Date of Deposit

Signature

Norman Green

Norman Green

Typed or Printed Name of Person Signing Certificate

All correspondence regarding the application should be sent to:

PTO CUSTOMER NO. 20985  
Gregory P. Einhorn  
Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, CA 92122




20985

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

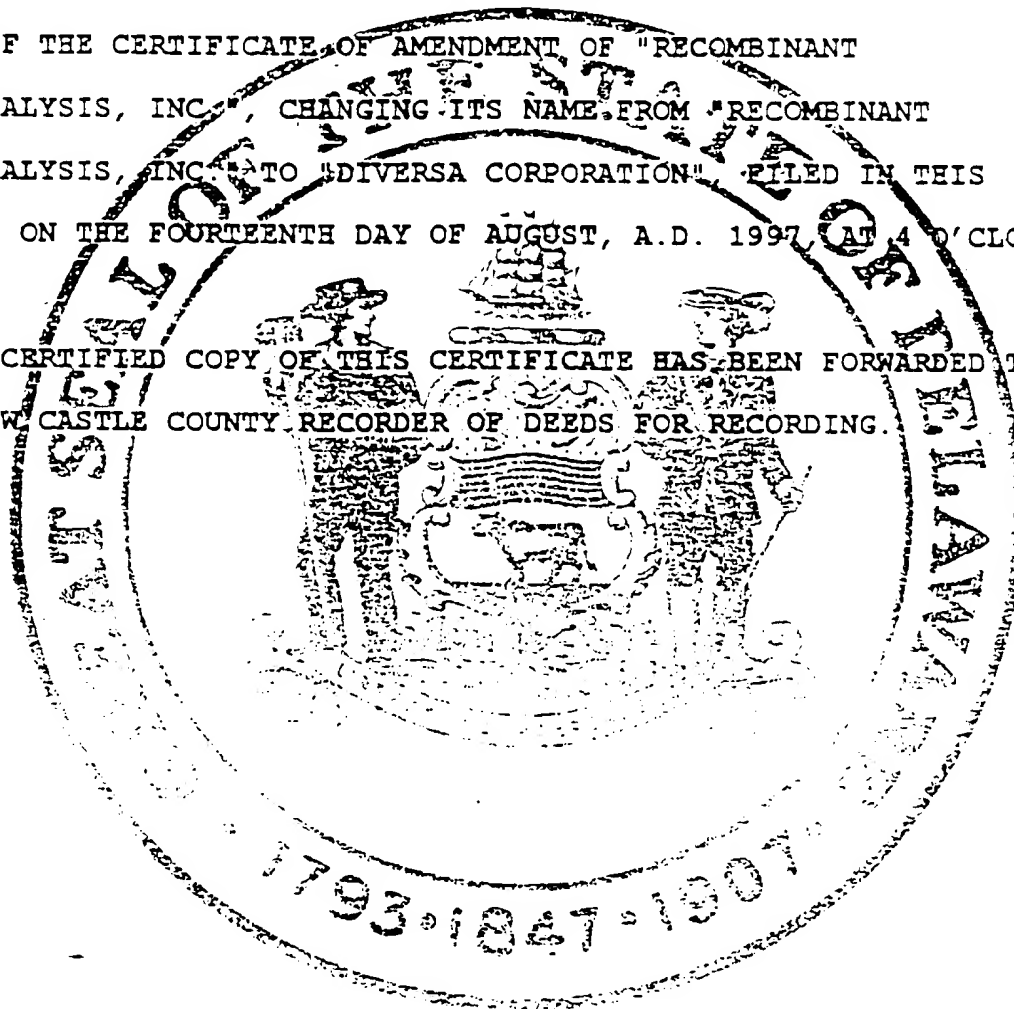
Date: 5-28-02

  
CAROLYN ERICKSON  
Vice President, Intellectual Property

Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, California 92122  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "RECOMBINANT BIOCATALYSIS, INC.", CHANGING ITS NAME FROM "RECOMBINANT BIOCATALYSIS, INC." TO "DIVERSA CORPORATION", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF AUGUST, A.D. 1997, AT 4 O'CLOCK P.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



*Edward J. Freel*

Edward J. Freel, Secretary of State

2319755 8100

AUTHENTICATION: 8607397

971272735

DATE: 08-15-97

CERTIFICATE OF AMENDMENT OF  
THE FOURTH RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
RECOMBINANT BIOCATALYSIS, INC.

RECOMBINANT BIOCATALYSIS, INC. (the "Company"), a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "General Corporation Law"), hereby certifies as follows:

FIRST: This Certificate of Amendment amends the provisions of the Fourth Restated Certificate of Incorporation of the Company, filed on July 10, 1997, and was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law, and was approved by written consent of the stockholders of the Company given in accordance with the provisions of Section 228 of the General Corporation Law.

SECOND: The text of Article I of the Fourth Restated Certificate of Incorporation is hereby amended to read in its entirety as follows:

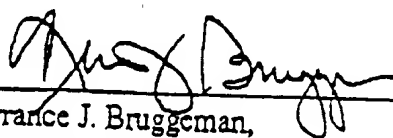
"Name

The name of the corporation is DIVERSA CORPORATION."

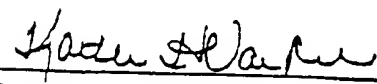
IN WITNESS WHEREOF, said Board of Directors of Recombinant BioCatalysis, Inc. has caused this Certificate of Amendment to be signed by a duly authorized officer of the Company.

RECOMBINANT BIOCATALYSIS, INC.

Dated: August 6, 1997

  
Terrance J. Bruggeman,  
Chief Executive Officer

ATTEST:

  
Kathleen H. Van Sleen, Secretary

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 04:00 PM 08/14/1997  
971272735 - 2319755